

ENTERED

February 27, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

CORNELIUS MILAN HARPER,

Plaintiff,

VS.

STATE BOARD OF CRIMINAL
JUSTICE, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-304

ORDER

The Court has received the Magistrate Judge's Memorandum and Recommendation ("M&R") to dismiss case, Dkt. No. 10, and Plaintiff's Declaration of Facts,¹ Dkt. No. 12.

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 10, and **DISMISSES WITH PREJUDICE** Plaintiff's complaint for failure to state a claim and/or as frivolous under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). The Court therefore **DIRECTS** the Clerk to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas as Three_Strikes@txs.uscourts.gov.

Final Judgment will be entered separately.

SIGNED this 27th day of February, 2019.



Hilda Tagle
Senior United States District Judge

¹ The Court will adopt Plaintiff's Declaration of Facts as his objections to the M&R.